

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Fü/fr	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/005858	International filing date (day/month/year) 29.05.2004	Priority date (day/month/year) 17.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ORTLINGHAUS-WERKE GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005858

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

☐ the international application as originally filed/furnished

☒ the description:

pages 2-13 as originally filed/furnished

pages* 1, 1a received by this Authority on 21.04.2005 with letter of 18.04.2005

pages* _____ received by this Authority on _____

☒ the claims:

nos. 2-12 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1 received by this Authority on 21.04.2005 with letter of 18.04.2005

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2-2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/005858

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-12</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-12</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-12</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1 This report makes reference to the following documents:

D1: DE 10 53 255 B (EUMUCO AG FUER MASCHB)

19 March 1959 (1959-03-19)

D2: NL 137 877 C (AVIOLANDA MAATSCHAPPIJ VOOR

VLIEGTUIGBOUW N.V.)

15 January 1973 (1973-01-15)

2 Re claim 1

The application does not meet the requirements of PCT 6 because claim 1 is not clear. Specifically, it is not clear whether the following features form part of the claimed subject matter:

- c. piston-cylinder unit,
- d. press safety valve,
- e. pressure line,
- f. spring (spring-loaded)

In assessment of the application, it was assumed that only features c.-e. form part of the claimed

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subject matter.

Subject to the above observations, independent claim 1 meets the requirements of PCT Article 33(2) to (4) for novelty, inventive step and industrial applicability.

- 2.1 The subject matter of claim 1 is novel, since none of the documents cited in the search report or acknowledged in the introductory part of the description shows the features of independent claim 1 in their entirety.
- 2.2 The search report citations give a person skilled in the art no inducement to arrange a metering piston unit as per the characterizing part of claim 1 in a hydraulic circuit as per D1, which is considered to represent the closest prior art (see, in particular, column 2, line 45 to column 3, line 48 and the drawing). Although D2 shows a metering piston unit which is connected to a piston-cylinder unit and a valve in parallel, neither D1 nor D2 nor any of the other search report citations suggests combining the teachings of the two citations as per claim 1. The hydraulic circuit as per claim 1 therefore involves an inventive step.
- 2.3 The subject matter of claim can be made and used and is therefore industrially applicable.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
3	<p data-bbox="391 354 673 380">Re claims 2-12</p> <p data-bbox="391 453 1284 730">Dependent claims 2-12 contain advantageous and non-obvious embodiments of a hydraulic circuit according to claim 1. Claims 2-12 therefore likewise meet the requirements of PCT Article 33(2) to (4) for novelty, inventive step and industrial applicability.</p>